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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,099	04/23/2004	Lambert Wixson	024478-00023	7522
4372	7590	10/19/2009	EXAMINER	
ARENT FOX LLP			RAO, ANAND SHASHIKANT	
1050 CONNECTICUT AVENUE, N.W.				
SUITE 400			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2621	
			NOTIFICATION DATE	DELIVERY MODE
			10/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/830,099	WIXSON ET AL.	
	Examiner	Art Unit	
	Andy S. Rao	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 July 2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-57 is/are pending in the application.
 4a) Of the above claim(s) 1-9, 19, 24-29 and 36-56 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 10-18, 20-23, 30-35, and 57 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/29/09 has been entered.
2. Applicant's arguments with respect to claims 10-18, 20-23, and 57 as filed on 7/29/09 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 30-35 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Amini et al., (hereinafter referred to as "Amini") in view in view of Maeno.
4. The Applicant presents two arguments contending the Examiner's pending rejection of claims 30-35 under 35 U.S.C. 103(a) as being unpatentable over Amini et al., (hereinafter referred to as "Amini") in view in view of Maeno. However, after a careful consideration of the arguments presented, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

After establishing the salient features of the claims 10-18, and 20-23 (RCE of 7/29/09: page 12, lines 14-22), providing Applicant's analysis of the previously rejection used against claims 10-18, 20-23 (RCE of 7/29/09: page 13, lines 1-7), the Applicant argues that the "creating an audit spreadsheet" limitation is not met (RCE of 7/29/09: page 13, lines 8-14), and further argues that this limitation is present in claims 30-35 (RCE of 7/29/09: page 14, lines 15-23). The Examiner respectfully disagrees. In response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "an audit spreadsheet") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner notes that the "spreadsheet" format of the generated report is not specified in independent claim 30, nor in any of the dependent claims. Accordingly, the Examiner maintains that Amini's cell based calendar representation with each cell containing surveillance system data reads upon the claims.

Lastly, the Applicant's argue that Amini fails to address the "...calculating a compliance percentage in one or more reports based on the classification of one more such stored audit items..." (RCE of 7/29/09: page 13, lines 16-19) because while it does disclose binary state generate with regards to affirmative/negative state conditions concerning the surveillance system (RCE of 7/29/09: page 13, lines 20-23; page 14, lines 1-5), the Applicant's argue that such a tabulation of states doesn't disclose or suggest "...calculating a compliance percentage in one or more reports based on the classification of one more such stored audit items..." (RCE of 7/29/09: page 14, lines 5-10), as in the claims. The Examiner flatly disagrees. The Examiner notes that since system performance is based on the event processing parameters (Amini: column 9, lines 65-67; column 10, lines 1-3) in the configuration file (Amini: column 9, lines 35-47 and 61-64), these actions are based on compliance binary states, which the Examiner has already asserted reads on the percentage limitation. Accordingly, the Examiner maintains that the limitation remains met.

A detailed rejection of claims 10-18, 20-23, 57 follows, and for the Applicant's convenience, the previously pending detailed rejection of claims 30-35 has been repeated, as well.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 10-18, 20-23, 30-35 and 57 are rejected under 35 U.S.C. § 101 as not falling within one of four statutory categories of inventions. Supreme Court precedent¹ and recent Federal Circuit decisions indicate a statutory “process” under 35 U.S.C. § 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing². While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example there is not apparatus mentioned either in the preamble nor in the subsequent limitations for executing the method (i.e. elements are not sufficiently specified for performing the “...creating an audit spreadsheet...” or “...selecting an audit item...”, and the subsequent steps of **independent claims 10, 15, 30, and 57**, nor is the generation of audit spreadsheet reports considered the transformation of data, and it

¹ *Diamond v. Diehr*, 450 U.S. 175, 184, (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70, (1972); *Cochrane v. Deener*, 94 U.S 780, 787-788 (1876).

² The Supreme Court recognized that this test is not necessarily fixed or permanent and may evolve with technological advances. *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972).

is readily possible to implement the methods claimed by a series of mental steps as executed by a person, *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-18, 20-23, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amini et al., (hereinafter referred to as “Amini”) in view of Junkins et al., and further in view of Maeno.

Amini discloses a method for performing remote video audits (Amini: figures 7-8), the method comprising: creating an audit representation containing a plurality of audit items (Amini: column 14, lines 5-17); selecting at least one of the plurality of audit items (Amini: column 14, lines 15-20); obtaining video information regarding the selected audit item (Amini: column 14, lines 30-40); entering a classification for the selected audit item based on reviewing the video information (Amini: column 9, lines 55-65: event processing/determination of the video), storing the selected audit item after the classification is entered (Amini: column 14, lines 65-67; column 15, lines 1-6: storing of the event specific video footage); and calculating a compliance percentage in one or more reports based on the classification of one or more such stored audit

items (Amini: column 9, lines 35-47: binary logic represents a 0% or 100% compliance percentage of stored event video), as in claim 10. However, Amini fails to specifically disclose creating an audit spreadsheet containing a plurality of audit items and having the video information include video stills as in the claims. Junkins discloses workspace video monitoring and archiving system and method (Junkins: column 2, lines 49-67; column 3, lines 1-10) which discloses the use of a spreadsheet application (Junkins: column 5, lines 30-40) to generate reports that specify the state of the monitoring system at the capture time of the video stream (Junkins: column 5, lines 45-65) in order to help a user navigate and readily manipulate a plurality of entries in video library (Junkins: column 3, lines 30-67). Accordingly, given this teaching of using spreadsheets as shown by Junkins, it would have been obvious for one of ordinary skill in the art to incorporate said teaching into the Amini method in order to modify it's GUI's cell based visual representation of a calendar (Amini: column 14, lines 5-17) with the Junkins' spreadsheet application to gain the advantage of a calendar spreadsheet that allows for monitoring state entries at the capture time of the video stream such that a user that more easily and readily navigate and manipulate entries in a video library. The Amini method, now incorporating the Junkins spreadsheet application, has a majority of the features of claim 10, but still fails to disclose the use of generating video stills, as in the claims. Maeno discloses a crime prevention monitoring system and method (Amini: column 5, lines 10-45) which takes live video and generates still video images of an intruder in the committing of a crime (Maeno: column 7, lines 35-67; column 8, lines 1-68; column 9, lines 1-7: still image extraction as executed by the image collator of figure 2, element 206) in order to generate associated video indicia for monthly surveillance report generation (Maeno: column 9, lines 13-47). Accordingly, given this teaching,

it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate Maeno still image extraction as implemented by the image collator into the Amini method in order to gain the advantage of augmenting the event database with generated reports so that a more comprehensive archiving of the Amini surveillance footage can be obtained. The Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has all of the features of claim 10.

Regarding claim 11, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has wherein the classification is accompanied by a predefined note (Maeno: column 9, lines 20-45), as in the claim.

Regarding claim 12, Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has wherein the obtained video information is video stills (Maeno: column 7, lines 45-67) obtained via a spreadsheet (Junkins: column 5, lines 30-40) hyperlink (Amini: column 14, lines 5-18), as in the claim.

Regarding claim 13, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has wherein the obtained video information is video clips (Amini: column 12, lines 30-43) obtained via a spreadsheet (Junkins: column 5, lines 30-40) hyperlink (Amini: column 14, lines 5-18), as in the claim.

Regarding claim 14, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has

wherein the plurality of audit items is selected from a group (Amini: column 8, lines 60-67) consisting of location (Amini: column 14, lines 50-65), time interval (Amini: column 14, lines 15-25), camera (Amini: column 15, lines 55-60), and device mapping to camera (Amini: column 17, lines 35-45), as in the claim.

Amini discloses a method for performing remote video audits (Amini: figures 7-8), the method comprising: selecting an audit item from an audit representation (Amini: column 14, lines 15-20); obtaining video information regarding the selected audit item (Amini: column 14, lines 30-40); entering a classification for the selected audit item based on reviewing the video information (Amini: column 9, lines 55-65: event processing/determination of the video), storing the selected audit item after the classification is entered (Amini: column 14, lines 65-67; column 15, lines 1-6: storing of the event specific video footage); and calculating a compliance percentage in one or more reports based on the classification of one or more such stored audit items (Amini: column 9, lines 35-47: binary logic represents a 0% or 100% compliance percentage of stored event video), as in claim 15. However, Amini fails to specifically disclose creating an audit spreadsheet containing a plurality of audit items and having the video information include video stills as in the claims. Junkins discloses workspace video monitoring and archiving system and method (Junkins: column 2, lines 49-67; column 3, lines 1-10) which discloses the use of a spreadsheet application (Junkins: column 5, lines 30-40) to generate reports that specify the state of the monitoring system at the capture time of the video stream (Junkins: column 5, lines 45-65) in order to help a user navigate and readily manipulate a plurality of entries in video library (Junkins: column 3, lines 30-67). Accordingly, given this teaching of using spreadsheets as shown by Junkins, it would have been obvious for one of ordinary skill in

the art to incorporate said teaching into the Amini method in order to modify its GUI's cell based visual representation of a calendar (Amini: column 14, lines 5-17) with the Junkins' spreadsheet application to gain the advantage of a calendar spreadsheet that allows for monitoring state entries at the capture time of the video stream such that a user can more easily and readily navigate and manipulate entries in a video library. The Amini method, now incorporating the Junkins spreadsheet application, has a majority of the features of claim 15, but still fails to disclose the use of generating video stills, as in the claims. Maeno discloses a crime prevention monitoring system and method (Amini: column 5, lines 10-45) which takes live video and generates still video images of an intruder in the committing of a crime (Maeno: column 7, lines 35-67; column 8, lines 1-68; column 9, lines 1-7: still image extraction as executed by the image collator of figure 2, element 206) in order to generate associated video indicia for monthly surveillance report generation (Maeno: column 9, lines 13-47). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate Maeno still image extraction as implemented by the image collator into the Amini method in order to gain the advantage of augmenting the event database with generated reports so that a more comprehensive archiving of the Amini surveillance footage can be obtained. The Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has all of the features of claim 15.

Regarding claim 16, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has wherein the classification is accompanied by a predefined note (Maeno: column 9, lines 20-45), as in the claim.

Regarding claim 17, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has wherein the video information comprises video stills (Maeno: column 7, lines 45-67), as in the claim.

Regarding claim 18, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has wherein the video information comprises video clips (Amini: column 10, lines 20-25), as in the claim.

Regarding claim 20, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has a further comprising selecting a next audit item from the audit (Amini: column 13, lines 55-67) spreadsheet (Junkins: column 5, lines 30-40), as in the claim.

Regarding claims 21-22, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has further comprising: generating a report, including information describing the at least one audit item and the classification (Maeno: column 9, lines 20-47); and transmitting the report to at least one designated recipient (Amini: column 10, lines 25-40), as the claims.

Regarding claim 23, the Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has wherein the classification is selected from a group consisting of Pass or Fail (Maeno: column 10, lines 40-58), Not Audited (Amini: column 5, lines 30-35: “Live”), Don’t know (Amini: column 17, lines 45-55), and No Video (Amini: column 18, lines 25-35), as in the claim.

Amini discloses a method for performing remote video audits (Amini: figures 7-8), the method comprising: creating an audit representation containing a plurality of audit items (Amini: column 14, lines 5-17); selecting at least one of the plurality of audit items (Amini: column 14, lines 15-20); obtaining video information regarding the selected audit item (Amini: column 14, lines 30-40); entering a classification for the selected audit item based on reviewing the video information (Amini: column 9, lines 55-65: event processing/determination of the video), storing the selected audit item after the classification is entered (Amini: column 14, lines 65-67; column 15, lines 1-6: storing of the event specific video footage); and calculating a compliance percentage in one or more reports based on the classification of one or more such stored audit items (Amini: column 9, lines 35-47: binary logic represents a 0% or 100% compliance percentage of stored event video), as in claim 57. However, Amini fails to specifically disclose creating an audit spreadsheet containing a plurality of audit items, wherein the audit spreadsheet includes an audit execution checklist, and having the video information include video stills as in the claims. Junkins discloses workspace video monitoring and archiving system and method (Junkins: column 2, lines 49-67; column 3, lines 1-10) which discloses the use of a spreadsheet application (Junkins: column 5, lines 30-40) to generate reports that specify the state of the monitoring system at the capture time of the video stream (Junkins: column 5, lines 45-65) in order to help a user navigate and readily manipulate a plurality of entries in video library (Junkins: column 3, lines 30-67). Accordingly, given this teaching of using spreadsheets as shown by Junkins, it would have been obvious for one of ordinary skill in the art to incorporate said teaching into the Amini method in order to modify it's GUI's cell based visual representation of a calendar (Amini: column 14, lines 5-17) with the Junkins' spreadsheet application to gain the

advantage of a calendar spreadsheet that allows for monitoring state entries (i.e. “the audit execution checklist”) at the capture time of the video stream such that a user that more easily and readily navigate and manipulate entries in a video library. The Amini method, now incorporating the Junkins spreadsheet application, has a majority of the features of claim 10, but still fails to disclose the use of generating video stills, as in the claims. Maeno discloses a crime prevention monitoring system and method (Amini: column 5, lines 10-45) which takes live video and generates still video images of an intruder in the committing of a crime (Maeno: column 7, lines 35-67; column 8, lines 1-68; column 9, lines 1-7: still image extraction as executed by the image collator of figure 2, element 206) in order to generate associated video indicia for monthly surveillance report generation (Maeno: column 9, lines 13-47). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate Maeno still image extraction as implemented by the image collator into the Amini method in order to gain the advantage of augmenting the event database with generated reports so that a more comprehensive archiving of the Amini surveillance footage can be obtained. The Amini method, now incorporating the Junkins spreadsheet application and the Maeno still image extraction as implemented by the image collator, has all of the features of claim 57.

9. Claims 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amini et al., (hereinafter referred to as “Amini”) in view in view of Maeno.

Amini discloses method for performing remote video guard tours (Amini: figures 7-8), the method comprising: selecting a guard tour from a list of available guard tours (Amini: column 14, lines 15-20); obtaining image information for a next stop on the selected guard tour; reviewing the image information (Amini: column 14, lines 30-40); and entering a classification

for the guard tour stop based on the review (Amini: column 9, lines 55-65), as in claim 30. entering a classification for the selected audit item based on reviewing the video information (Amini: column 9, lines 55-65: event processing/determination of the video), storing the selected audit item after the classification is entered (Amini: column 14, lines 65-67; column 15, lines 1-6: storing of the event specific video footage); and calculating a compliance percentage in one or more reports based on the classification of one or more such stored audit items (Amini: column 9, lines 35-47: binary logic represents a 0% or 100% compliance percentage of stored event video), as in claim 30. However, Amini fails to specifically disclose having the video information include video stills as in the claims. Maeno discloses a crime prevention monitoring system (Amini: column 5, lines 10-45) which takes live video and generates still video images of an intruder in the committing of a crime (Maeno: column 7, lines 35-67; column 8, lines 1-68; column 9, lines 1-7: still image extraction as executed by the image collator of figure 2, element 206) in order to generate associated video indicia for monthly surveillance report generation (Maeno: column 9, lines 13-47). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate Maeno still image extraction as implemented by the image collator into the Amini method in order to gain the advantage of augmenting the event database with generated reports so that a more comprehensive archiving of the Amini surveillance footage can be obtained. The Amini method, now incorporating the Maeno still image extraction as implemented by the image collator, has all of the features of claim 30.

Regarding claim 31, the Amini method, now incorporating the Maeno still image extraction as implemented by the image collator, has wherein the classification is accompanied by a predefined note (Maeno: column 9, lines 20-45), as in the claim.

Regarding claim 32, Amini method, now incorporating the Maeno still image extraction as implemented by the image collator, has further selecting a next guard tour from the list of available guard tours (Amini: column 13, lines 55-67), as in the claim.

Regarding claims 33-34, Amini method, now incorporating the Maeno still image extraction as implemented by the image collator, has generating a report, including information describing the at least one guard tour and the classification (Maeno: column 9, lines 20-47)); and transmitting the report to at least one designated recipient (Amini: column 10, lines 25-40), as in the claims.

Regarding claim 35, the Amini method, now incorporating the Maeno still image extraction as implemented by the image collator, has wherein the classification is selected form a group consisting of Pass or Fail (Maeno: column 10, lines 40-58), Not Audited (Amini: column 5, lines 30-35: “Live”), Don’t know (Amini: column 17, lines 45-55), and No Video (Amini: column 18, lines 25-35), as in the claim.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

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Primary Examiner, Art Unit 2621
October 13, 2009